

**DRAFT**

MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

1 OCTOBER 2002

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were Mitchell Johnson, Assistant City Manager; Terry Wood, Chief Deputy City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Assistant City Manager recognized Marjorie Danford, employee at the War Memorial Coliseum, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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Councilmember Burroughs-White introduced and read into the minutes a resolution encouraging the participation in the Greensboro Public Library's *One City, One Book* Project; she presented copies of the resolution to Willie Taylor, President of Friends of the Library, and recognized others who were present in support of this project. Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

155-02 RESOLUTION ENCOURAGING THE PARTICIPATION IN THE GREENSBORO PUBLIC  
LIBRARY'S *ONE CITY, ONE BOOK* PROJECT

WHEREAS, Greensboro is a city of diverse people with rich history and culture, seeking to build a community of inclusiveness and pride;

WHEREAS, an opportunity for people of different races, religions, communities, educational and economic backgrounds to connect to each other in an open and candid way is provided by ONE CITY, ONE BOOK, a project of the Friends of the Greensboro Public Library, occurring between September 22, 2002 and November 15, 2002;

WHEREAS, the book selected for this project, "A Lesson Before Dying" by Ernest J. Gaines, addresses issues of education, religion, justice, racism, community, family and faith is being discussed in schools, colleges, universities, libraries, the faith community, public and private businesses, civic initiatives, private homes and numerous other venues;

WHEREAS, this project has been funded through private monies, planned, organized and implemented through volunteers working with the Greensboro Public Library staff;

WHEREAS, this project is open and free to all persons in the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That adult citizens of the City of Greensboro are encouraged to read "A Lesson Before Dying" and participate in discussion groups, events, and programs throughout the community.
2. That citizens of the community reading this book are invited to reflect on the lessons for each of us and to use this opportunity to join together to promote a community that affirms and cherishes the worth of each of its citizens.

(Signed) Yvonne J. Johnson

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits--located at 1434 Alamance Church Road and 1432 Alamance Church Road--1.96 acres. He also introduced so that these matters could be discussed together, an ordinance establishing Original Zoning Classification from County Zoning RS-40 Residential Single Family to City Zoning RS-40 Residential Single Family for property located on the south side of Alamance Church Road (1432 and 1434 Alamance Church Road) east of Parker Baldwin Lane and north of Wilpar Drive.

C. Thomas Martin, Planning Department Director, advised these items had received favorable recommendation by the Planning Board, Zoning Commission and Planning Department staff. He used a map and slides to illustrate the property and the surrounding area

Mayor Holliday asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Johnson moved to close the public hearing. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 6 – Alamance Church Road

The Planning Department recommends that this original zoning be approved.

The original zoning of 10 other lots in Wilpar Estates to RS-40 was approved by the City Council on May 1, 2001 with an effective date of July 31, 2001.

This proposed original zoning is consistent with those previous approvals.

Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits--located at 1434 Alamance Church Road and 1432 Alamance Church Road--1.96 acres. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-183 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 1434 ALAMANCE CHURCH ROAD AND 1432 ALAMANCE CHURCH ROAD – 1.96 ACRES)

Section 1. Pursuant to G.S. 160A-58.1 et. seq., the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the northwest corner of Lot 178 of Section 2 of Wilpar Estates, recorded in Plat Book 65, Page 36 in the Office of the Register of Deeds of Guilford County, said corner being in the existing (as of July 31,

2002) satellite city limits of the city of Greensboro; THENCE DEPARTING FROM THE EXITING CITY LIMITS S 61° 19' 50" E 360.0 feet along the southern right-of-way line of Alamance Church Road to the northeast corner of Lot 179 of said subdivision; thence S 28° 40' 10" W 236.59 feet along the east line of said lot to its southeast corner, a point in the existing satellite city limits; thence PROCEEDING WITH THE EXITING CITY LIMITS N 61° 36' 45" W 140.0 feet along the south line of said lot to the northwest corner of Lot 174 of said subdivision; THENCE DEPARTING FROM THE EXITING CITY LIMITS N 61° 36' 45" W 200.0 feet along the north line of Lot 175 of said subdivision to the northwest corner of said lot; thence N 60° 49' 30" W 20.0 feet along the south line of Lot 178 to the southwest corner of said lot, a point in the existing satellite city limits; thence PROCEEDING WITH THE EXITING CITY LIMITS N 28° 40' 10" W 238.08 feet to the point and place of BEGINNING, and containing 1.96 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after December 31, 2002, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 6/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after December 31, 2002.

(Signed) Thomas M. Phillips

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Councilmember Gatten thereupon moved adoption of the ordinance establishing Original Zoning Classification from County Zoning RS-40 Residential Single Family to City Zoning RS-40 Residential Single Family for property located son the south side of Alamance Church Road. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 02-184 AMENDING OFFICIAL ZONING MAP

SOUTH SIDE OF ALAMANCE CHURCH ROAD (1432 AND 1434 ALAMANCE CHURCH ROAD) EAST OF PARKER-BALDWIN LANE AND NORTH OF WILPAR DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning RS-40 Residential Single Family uses for the area described as follows:

BEGINNING at the northwest corner of Lot 178 of Section 2 of Wilpar Estates, recorded in Plat Book 65, Page 36 in the Office of the Register of Deeds of Guilford County, said corner being in the existing (as of July 31,

2002) satellite city limits of the city of Greensboro; THENCE DEPARTING FROM THE EXITING CITY LIMITS S 61° 19' 50" E 360.0 feet along the southern right-of-way line of Alamance Church Road to the northeast corner of Lot 179 of said subdivision; thence S 28° 40' 10" W 236.59 feet along the east line of said lot to its southeast corner, a point in the existing satellite city limits; thence PROCEEDING WITH THE EXITING CITY LIMITS N 61° 36' 45" W 140.0 feet along the south line of said lot to the northwest corner of Lot 174 of said subdivision; THENCE DEPARTING FROM THE EXITING CITY LIMITS N 61° 36' 45" W 200.0 feet along the north line of Lot 175 of said subdivision to the northwest corner of said lot; thence N 60° 49' 30" W 20.0 feet along the south line of Lot 178 to the southwest corner of said lot, a point in the existing satellite city limits; thence PROCEEDING WITH THE EXITING CITY LIMITS N 28° 40' 10" W 238.08 feet to the point and place of BEGINNING, and containing 1.96 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Florence F. Gatten

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits--located at 3323 Horse Pen Creek Road--0.48 acres. He also introduced so that these matters could be discussed together, an ordinance establishing Original Zoning Classification from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the north side of Horse Pen Creek Road (3323 Horse Pen Creek Road) west of Four Farms Road.

Mr. Martin advised these items had received favorable recommendation by the Planning Board, Zoning Commission and Planning Department staff. He used a map and slides to illustrate the property and the surrounding area.

Mayor Holliday asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Mr. Martin provided the following staff recommendation:

Item 8 – Horse Pen Creek Road

The Planning Department recommends that this original zoning be approved.

The RS-12 lot across the street was favorably recommended by the Zoning Commission in January 2002 and was approved by City Council in February.

The annexation of this property is the result of a Utility Agreement and Annexation Petition.

At its August 21<sup>st</sup> meeting the Planning Board recommended in favor of the annexation.

RS-40 is not intended to accommodate lots on public water and sewer.

RS-12 is the typical residential single family zoning classification that is recommended for original City zoning for lots where public water and sewer is required or provided.

Councilmember Phillips moved adoption of the Ordinance annexing territory to the corporate limits--located at 3323 Horse Pen Creek Road--0.48 acres. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-185 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 3323 HORSE PEN CREEK ROAD – 0.48 ACRES)

Section 1. Pursuant to G.S. 160A-58.1 et. seq., the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the north right-of-way line of Horse Pen Creek Road and in the east line of Wilbert S. and Barbara S. Everett property as recorded as Tract I in Deed Book 2080, Page 662 in the Office of the Register of Deeds of Guilford County; thence in a westerly direction along said right-of-way line approximately 75 feet to a point in Everett's west line; thence N 25° 11' E approximately 280 feet to Everett's northwest corner; thence S 64° 21' E 75 feet to Everett's northeast corner; thence S 25° 11' W approximately 280 feet to the point and place of BEGINNING, and containing approximately 0.48 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after December 31, 2002, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 6/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after December 31, 2002.

(Signed) Thomas M. Phillips

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Councilmember Carmany moved adoption of the ordinance establishing Original Zoning Classification from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the north side of Horse Pen Creek Road (3323 Horse Pen Creek Road) west of Four Farms Road. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 02-186 AMENDING OFFICIAL ZONING MAP

NORTH SIDE OF HORSE PEN CREEK ROAD (3323 HORSE PEN CREEK ROAD) WEST OF FOUR FARMS ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the north right-of-way line of Horse Pen Creek Road and in the east line of Wilbert S. and Barbara S. Everett property as recorded as Tract I in Deed Book 2080, Page 662 in the Office of the Register of Deeds of Guilford County; thence in a westerly direction along said right-of-way line approximately 75

feet to a point in Everett's west line; thence N 25° 11' E approximately 280 feet to Everett's northwest corner; thence S 64° 21' E 75 feet to Everett's northeast corner; thence S 25° 11' W approximately 280 feet to the point and place of BEGINNING, and containing approximately 0.48 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Sandy Carmany

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits—located south of McConnell Road—5.678 acres. He also introduced so these matters could be discussed together, an ordinance establishing Original Zoning Classification from County Zoning RS-7 Residential Single Family to City Zoning RS-7 Residential Single Family for property located south of McConnell Road east of the terminus of Llano Place and north of Aster Drive.

Mr. Martin advised these items had received favorable recommendation by the Planning Board, Zoning Commission and Planning Department staff. He used a map and slides to illustrate the property and the surrounding area.

Mayor Holliday asked if anyone wished to speak to these matters.

Wiley A. Sykes, residing at 820 Lackwood Drive, owner of the property, spoke in favor of the annexation and original zoning; he spoke to plans to develop the property. In rebuttal, he spoke to information provided to the neighborhood with regard to the type of development proposed, stated the development would have no negative impact on the existing neighborhood and would meet the criteria of the existing homes, and spoke briefly to the roadway system in the area. Mr. Sykes stated that it was his understanding that at this meeting, Council should consider only the annexation and zoning issues.

Robert A. McLaughlin, residing at 9 Llano Court, and Edward Fuller, residing at 2511 Astor Drive, spoke in opposition to the proposed annexation and zoning and expressed concern that the development would increase what they believed to be traffic problems in the area. They stated that traffic from the development should be routed to McConnell Road, they believed the development would place too many houses on a small tract of land, and they believed the development would negatively impact the existing neighborhood. In rebuttal, Mr. McLaughlin reiterated earlier concerns and offered personal thoughts about the development and options the neighborhood could pursue if Council approved these items.

Councilmember Carmany moved to close the public hearing on the two items. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

Mr. Martin stated that the existing county zoning on the property would allow the development proposed by Mr. Sykes; however, Mr. Sykes had petitioned for annexation so the development could take place in the City. Council discussed at length with Mr. Martin and Jim Westmoreland, Transportation Department Director, details with respect to the proposed development, access to the property, concerns of the speakers, the traffic pattern in the area, the work of the Technical Review Committee, etc. Mr. Martin emphasized that the property fronted on a public street, and the City could not deny access. Councilmember Burroughs-White asked that when City staff reviewed plans for this development that consideration should be given to potential traffic problems.

Mr. Martin provided the following staff recommendation:

Item 10 – McConnell Road & Llano Place

The Planning Department recommends that this original zoning request be approved.

The zoning pattern for this area is almost entirely RS-7.

The existing County Zoning is RS-7 and this proposal simply carries forth that zoning classification.

Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits—located south of McConnell Road—5.678 acres. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan. Noes: Burroughs-White and Johnson.

02-187 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED SOUTH OF MCCONNELL ROAD – 5.678 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro corporate limits (as of August 31, 2002), said point being in the east line of Lot 3 of Grandview Heights, as recorded in Plat Book 17, Page 50 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 05° 57' 01" E 74.08 feet along the east line of Lot 3 to its southeast corner; thence S 83° 52' 03" W 154.24 feet along the south lines of Lots 3, 2, and 1 of said subdivision to the southwest corner of said Lot 1; thence S 02° 34' 17" W 774.92 feet along the west line of Piedmont Memorial Park to its southwest corner, said corner being in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following courses and distances: N 85° 13' 43" W 306.84 feet to a point, N 04° 55' 33" E 760.65 feet to a point, S 78° 38' 30" E 120.00 feet to a point, N 07° 01' 06" E 107.70 feet to a point, S 87° 46' 06" E 50.50 feet to a point, S 89° 54' 51" E 239.63 feet to the point and place of BEGINNING, and containing 5.678 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after December 31, 2002, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 6/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after December 31, 2002.

(Signed) Thomas M. Phillips

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Councilmember Carmany thereupon moved adoption of the ordinance establishing Original Zoning Classification from County Zoning RS-7 Residential Single Family to City Zoning RS-7 Residential Single Family for property located south of McConnell Road east of the terminus of Llano Place and north of Aster Drive. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan. Noes: Burroughs-White and Johnson.

02-188 AMENDING OFFICIAL ZONING MAP

SOUTH OF McCONNELL ROAD EAST OF THE TERMINUS OF LLANO PLACE AND NORTH OF ASTER DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-7 Residential Single Family to City Zoning RS-7 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the existing Greensboro corporate limits (as of August 31, 2002), said point being in the east line of Lot 3 of Grandview Heights, as recorded in Plat Book 17, Page 50 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 05° 57' 01" E 74.08 feet along the east line of Lot 3 to its southeast corner; thence S 83° 52' 03" W 154.24 feet along the south lines of Lots 3, 2, and 1 of said subdivision to the southwest corner of said Lot 1; thence S 02° 34' 17" W 774.92 feet along the west line of Piedmont Memorial Park to its southwest corner, said corner being in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following courses and distances: N 85° 13' 43" W 306.84 feet to a point, N 04° 55' 33" E 760.65 feet to a point, S 78° 38' 30" E 120.00 feet to a point, N 07° 01' 06" E 107.70 feet to a point, S 87° 46' 06" E 50.50 feet to a point, S 89° 54' 51" E 239.63 feet to the point and place of BEGINNING, and containing 5.678 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Sandy Carmany

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits—located north of Ruffin Road—31.57 acres. He also introduced so these matters could be discussed together, an ordinance establishing Original Zoning Classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use—Planned Unit Development—Residential for property located on the north side of Ruffin Road and south side of Urban Loop between Guilford College Road and Wedgewood Drive. The Mayor administered the oath to those individuals who wished to speak to these matters.

Mr. Martin provided the following staff presentation:

REQUEST – ITEM 12

This request is to establish original zoning of property from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use – Planned Unit Development – Residential.

The RS-40 District is primarily intended to accommodate single family detached dwellings on large lots in areas without access to water and sewer service at a density of 1.0 unit per acre or less.

The Conditional Use – Planned Unit Development - Residential District is intended to accommodate to accommodate a variety of housing types developed on large tracts in accordance with a Unified Development Plan.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses limited to single family and multifamily residential dwellings and accessory uses.
- 2) Lot #1 as shown on the Zoning Sketch Plan for Kavanagh Associates at Ruffin Road consisting of approximately 12 acres shall contain a maximum of 193 units of multifamily or single family residences.
- 3) Lot #2 containing approximately 13.8 acres will contain a maximum of 185 multifamily or single family residential units.



- 4) The existing pond is to be renovated as a permanent wet detention pond and conveyed to an association of homeowners.
- 5) A buffer having a minimum width of 25 feet will be provided along the portion of the property contiguous to the outer loop and will be planted at a Type C Planting Yard Rate or any greater rate required by ordinance at the time of site plan approval.

#### DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 31.57 acres and is located on the north side of Ruffin Road and the south side of the Urban Loop between Guilford College Road and Wedgewood Drive.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-40	Several dwellings and other structures but mostly vacant land
North	AG & RS-40	Proposed Urban Loop corridor and interchange with West Wendover Avenue
East	RS-40	Vacant land
South	RS-40	Pasture land
West	RS-40	Several single family dwellings

Mr. Martin stated that the Planning Department and Zoning Commission recommended denial of the zoning request; he presented a slide presentation to illustrate the property and surrounding area.

Mayor Holliday asked if anyone wished to be heard.

Charlie Melvin, 300 N. Greene Street, representing Kavanagh Associates, spoke to the work involved with the preparation of this annexation and zoning request; he noted that efforts to make the proposal work had been unsuccessful. Asking that Council deny the annexation and zoning, he noted that if a successful development proposal could be created, the developer would not have to wait a year before submitting another request.

After brief discussion, Councilmember Phillips moved adoption of the annexation ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was **DEFEATED** on the following roll call vote: Ayes: None. Noes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan.

(A copy of the ordinance as introduced and **DEFEATED** is filed in Exhibit Drawer N, Exhibit Number 44, which is hereby referred to and made a part of these minutes.)

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Councilmember Johnson moved that the ordinance establishing Original Zoning Classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use—Planned Unit Development—Residential for property located on the north side of Ruffin Road and south side of Urban Loop between Guilford College Road and Wedgewood Drive be deleted from the agenda. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30, Section 30-4-4.3 and the Official Zoning Map establishing the Scenic Corridor Overlay District – 1 (SCOD-1) and the Scenic Corridor Overlay District – 1 (SCOD-2) for the Greensboro Urban Loop.

Mr. Martin provided a PowerPoint with regard to the Scenic Corridor Overlay District (SCOD) that described the uses in SCOD-1 (undeveloped sections of a controlled access highway) and SCOD-2 (currently developed sections of a controlled access highway and areas near interchanges of SCOD-1) and used pictures to illustrate these Districts. Mr. Martin spoke to the most recent draft ordinance provided to Council which incorporated the latest recommended changes. He also used a map of the urban loop to illustrate the recommended SCOD-1 and SCOD-2 and explained the rationale for these recommendations.

Ben Woody, Planning Specialist in the Planning Department, responded to language added to the proposed ordinance to address illumination of signs; he noted the language was the same as the that contained in the Highway 68 ordinance.

The Mayor asked if anyone wished to be heard.

The following individuals spoke in favor of the proposed ordinance establishing a Scenic Corridor Overlay District for the Greensboro Urban Loop:

Grace Barber, residing at 4618 Lawndale Drive, stated she supported the SCOD because it would provide some limited commercial development and buffer zones. With regard to signage on the corridor, she suggested that instead of billboards, logo signs might be located at interchanges along the highway to advise travelers of businesses located in the area.

Walter Pharr, residing at 43 Kemp Road East, stated he believed that decisions with regard to this loop would define the face of Greensboro forever. He suggested Council devise a landscape design competition committee for the corridor and spoke to the process the committee might use to take advantage of local talent. He stated that, in his opinion, billboards were not compatible with a scenic corridor. During the rebuttal period, Mr. Pharr expressed concern with respect to Triad Real Estate and Building Industry Coalition, TREBIC's suggestion for a reduced buffer. He used a photograph to illustrate what could happen without a designated scenic corridor and spoke to the type of outdoor advertising that could take place if billboards were permitted.

Jon Barsanti, residing at 11 Teal Court, stated it was his opinion that citizens believed the Council would preserve the green scenic corridor. Stating that the loop was a visible part of the City, he stated that he believed outdoor advertising did not fit in SCOD; he requested that Council adopt the ordinance as proposed before staff offered suggestions for change and consider allowing individuals to apply for variances at a future time.

Gay Cheney, residing at 6209 Bard's Lane, Brown Summit, NC, requested Council to adopt the original proposal without changes and stated she believed that billboards were distracting to drivers.

Emilie Sandin, residing at 419 Crestland, spoke to the natural beauty of Greensboro and ongoing efforts to beautify the City, noted the loss of tree canopy and wetlands, stated she believed the urban loop needed a buffer, advised that she believed commercial development at interchanges would work and spoke to citizens' participation in comprehensive planning.

Gary Kenton, residing at 606 Park Avenue, commented about the community's perception that the proposed SCOD would be adopted by Council; he offered thoughts about the purpose of the loop and stated that this could be a beautiful gateway to Greensboro.

E. L. Spivey, residing at 1710 Noble Place, stated he didn't know if he was in favor or opposed to the proposed ordinance. He spoke to his travel experiences, cited examples of certain highways with a proliferation of billboards, stated he didn't want the corridor to become unsightly, and advised that he preferred logo signs to billboards.

Chief Deputy City Attorney Wood advised that Tim Bryson, a member of the Greensboro Planning Board, should not speak to this matter.

Mary Eubanks, residing at 109 Elmwood Terrace, requested that Council adopt the original proposed ordinance for the scenic corridor and create a beautiful entrance into the City.

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Mayor Holliday declared a recess at 7:40 p.m.

The meeting reconvened at 7:55 p.m. with all members of Council present.

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The following individuals spoke in opposition to the proposed ordinance establishing a Scenic Corridor Overlay District for the Greensboro Urban Loop:

Charlie Bray, residing at 4310 Four Farms Road, spoke to the original purpose for the creation of roads, offered his personal thoughts about public perception of billboards, and stated he believed Council should make every effort to promote businesses; Mr. Bray stated that, in his opinion, the proposed ordinance diminished the value of the roadway and that a common sense ordinance would benefit taxpayers.

Marlene Stanford, representing TREBIC, 115 South Westgate Drive, expressed concern with specific staff recommendations to amend the ordinance and spoke at length to the organization's good faith effort to respond to the proposed recommendations. She suggested a number of changes that the organization believed Council should consider with regard to sign size, buffer size, samples of what think appropriate, etc. Ms. Stanford stated she believed that if Council adopted the proposed changes offered by billboard industry representatives, the organization could offer its support.

In response to Ms. Stanford's comments that the staff's recommendations for changes to the ordinance were made available one day prior to this meeting, Councilmember Gatten clarified that the recommended changes to the proposed ordinance were discussed at a Council's recent public briefing and that supporters of outdoor advertising were in attendance when Council had directed staff to make these changes.

Steve Branch, representing the Greensboro Merchants' Association, stated he believed the proposed ordinance would have a negative impact on small business owners; noted that logo advertising only advertised food, gas, etc. and not other businesses; spoke in support of the recommendations offered by the billboard industry for Council's consideration; and requested Council to take a fair and reasonable approach to signing in this corridor.

Henry Isaacson, representing the outdoor advertising industry and Fairway Outdoor Advertising, provided to offered suggestions for the proposed limited use of outdoor advertising on the urban loop around intersections to direct motorists, spoke to the overall conditions which must exist to allow the placement of outdoor advertising on property, stated the billboard industry was not responsible for the current problems in Greensboro, and spoke to the positive contributions of billboards; he stated that he believed their suggestions being offered to limit signs on the urban loop were fair and reasonable to businesses, the outdoor advertising industry, and the public who used the signs for directions. (A copy of the recommendations is filed in Exhibit Drawer N, Exhibit Number 44, which is hereby referred to and made a part of these minutes.)

Stating that small business owners depended on the motoring public, Edwin Apple, residing at 5805 Scarlet Oak Drive, McLeansville, NC, and owner of Johnson Motor Company, offered support for outdoor advertising at intersections to provide directions to the public.

A large number of people stood in opposition to the ordinance as proposed by staff.

During the rebuttal period, the following individuals spoke in opposition to the proposed ordinance:

Teresa Martin, residing on Huffine Mill Road; and Maria Bolling, stated they wanted their neighborhood to remain the same.

Mr. and Mrs. Rufus Short, residing at 921 McClellan Place, expressed concern with what they believed to be inconsistencies about information citizens were receiving from various sources with regard to the acquisition of residential property; they stated they didn't want the scenic corridor to take part of their property. Council advised that the North Carolina Department of Transportation would be the appropriate government agency to provide answers to these questions.

Patrick Short, residing at 1417 South Holden Road, owner of a farm on the urban loop, spoke to the amount of his working farm property that would be taken if a fifty-foot buffer area for the urban loop were implemented; he expressed concern that his property could be taken without his approval and stated that he believed signs were a useful tool in providing information to the public.

Gail Coleman, residing at 903 Stagecoach Trail, stated she believed the scenic overlay would have a negative financial impact on her property and was not consistent with what had been presented earlier; she requested that Council not take action at this meeting. Ms. Coleman questioned why the City had not been working with the State with regard to this scenic corridor.

Ilene Cummings, residing at 1011 Stagecoach Trail, spoke in opposition to a portion of her property being taken for the corridor.

Brief discussion was held with regard to incorrect information that had been provided to property owners along the proposed urban loop which spoke to the taking of their property for a buffer, destruction of their neighborhoods, etc. Councilmember Perkins expressed strong concerns about the distribution of this information.

Brad Luecking, residing at 3512 Charing Cross, had questions about the type of protection to be provided for his neighborhood; i.e. sound wall or natural buffer. He expressed concern with regard to the proximity of the proposed urban loop to his residence, the noise and traffic that would be created and with regard to additional portions of his property being taken for use as a buffer.

Councilmember Phillips spoke to misconceptions with regard to the acquisition of property for a buffer and citizens' responsibilities related to buffer planting requirements. He emphasized that issues involving the State of North Carolina were not related to the issue being considered at this meeting.

Jim Westmoreland, Transportation Department Director, briefing explained the process and criteria used to determine which areas would qualify for various types of noise walls.

Roy Gleason, stated that he had been compensated for property taken for the Urban Loop and expressed concern that he understood that an additional portion of his property could be taken without compensation.

Some members of Council reiterated concern that specific information that had been provided to citizens was incorrect and misleading and had resulted in a number of citizens attending this meeting unnecessarily.

Speaking during the rebuttal period for proponents of the proposed ordinance, William Shand, residing at 1115C West McGee, had a number of questions about suggested changes to the proposed ordinance and exactly what Council would vote on at this meeting. Mr. Shand offered his personal thoughts about a scenic corridor and stated he had a problem with billboards.

Councilmember Phillips moved to close the public hearing. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

Councilmember Phillips moved to adopt the ordinance as amended to include the written recommendations received from City staff. The motion was seconded by Councilmember Perkins.

Councilmember Burroughs-White stated that she had difficulty in supporting an ordinance that wasn't inclusive and recommended the exclusion of outdoor advertising signs. She requested Council to consider suggestions received from the billboard industry representatives and adopt a reasonable, inclusive compromise that would preserve beauty but not single out a specific business.

Councilmember Burroughs-White thereupon offered a motion that Council adopt the ordinance as moved by Councilmember Phillips and include the following billboard industry's recommendations: **1)** Outdoor advertising signs (billboards) shall be allowed only within 2,640 feet from the beginning of the taper of pavement of each on/off ramp as measured from the point at which the pavement widens and the direction of such measurement shall be along the edge of pavement away from the interchange, not to exceed two (2) signs per 2,640 feet quadrant of the interchange, **2)** No such outdoor advertising sign shall be erected, affixed or installed within 1,000 feet of another outdoor advertising sign as measured along the nearest edge of the pavement, **3)** the maximum size of any outdoor advertising sign shall not exceed 378 square feet (plus extensions not to exceed a total sign face area of 450 square feet, **4)** any new outdoor advertising sign structure shall be painted dark green, **5)** any new outdoor advertising sign structure shall be landscaped at the base of such sign provided that the base of such structure is located at a point equal to or higher than the roadway elevation (subject to approval of the landowner where the sign is located); and further provided that the base of the structure is located in an area suitable for landscaping (e.g., a parking lot would not be suitable for landscaping), **6)** except as otherwise provided in this section, all other provisions of the Greensboro Development Ordinance for the regulation of outdoor advertising signs shall apply

The motion was seconded by Councilmember Johnson.

Members of Council discussed with staff various details with regard to the original proposed ordinance, the staff recommendations for changes to the ordinance based on discussion at a Council briefing, and the recommendations received from representatives of the billboard industry. Council also discussed the procedure for considering the motions on the floor.

Lengthy Council discussion was held with regard to individual thoughts, opinions and concerns with regard to billboards/outdoor advertising in the proposed scenic corridor for the Greensboro Urban Loop. The discussion included comments about whether or not billboard advertising was needed on the loop; whether the difference in size of business signs and billboards was fair to citizens, and the number of billboards that would be permitted in the urban loop if Councilmember Burroughs's White's motion was adopted and their proximity to each interchange. Further discussion included questions as to the purpose of the scenic corridor; i.e. to move people or to stimulate economic development, the belief that the absence of outdoor advertising in the corridor would enhance the city's appearance to outside business interests who wished to locate in the area, the service to large and small businesses by the billboard industry, the fact that land use in the corridor would be controlled by zoning, the perception of Greensboro by travelers, the desire not to have clutter on the corridor, etc. Mr. Perkins used slides to illustrate areas that were inundated by billboard advertising.

After lengthy discussion, Councilmember Perkins moved that Councilmember Burroughs-White's motion be amended to include the following: **1)** That any sign area of any outdoor advertising signs, including any extensions, shall not exceed 150 square feet, **2)** that no outdoor advertising signs shall exceed 20' in height, and **3)** that no outdoor advertising signs shall be erected, affixed or otherwise installed within a 2,000' radius of any other outdoor advertising sign

The motion was seconded by Councilmember Phillips.

Council held further discussion with regard to this matter and briefly discussed the procedure for voting on the three motions on the floor.

Voting in reverse order according to parliamentary procedure, Councilmember Perkins' motion as stated earlier in the meeting and seconded by Councilmember Phillips was **DEFEATED** on the following roll call vote: Ayes: Carmany, Perkins, Phillips. Noes: Burroughs-White, Gatten, Holliday, Jessup, Johnson and Vaughan.

Councilmember Burroughs-White's motion as stated earlier in the meeting was adopted on the following roll call vote: Ayes: Burroughs-White, Holliday, Jessup, Johnson, and Vaughan. Noes: Carmany, Gatten, Perkins and Phillips.

Councilmember Phillips' main motion to adopt the ordinance as amended to include staff recommendations and as amended by Councilmember Burroughs-White's motion to include recommendations from representatives of the billboard industry, received the following roll call vote: Ayes: Burroughs-White, Holliday, Jessup, Johnson and Vaughan. Noes: Carmany, Gatten, Perkins and Phillips.

Because the ordinance received only five affirmative votes, the City Attorney advised the ordinance would come back to Council for second reading. The ordinance will be placed on the November 4, 2002 City Council agenda.

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Mayor Holliday declared a recess at 9:34 p.m.

The meeting reconvened at 9:44 p.m. with all members of Council present.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution closing Salem Street, from Laurel Street eastward to 30 feet west of the centerline of North Benbow Road, a distance of approximately 1,200 feet. The Mayor asked if anyone wished to be heard.

Bill Barlow, an engineer at North Carolina A&T State University, made brief comments and stated that the University supported the closing of the three streets being considered by Council at this meeting.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

158-02 RESOLUTION CLOSING SALEM STREET, FROM LAUREL STREET EASTWARD TO 30 FEET WEST OF THE CENTERLINE OF NORTH BENBOW ROAD, A DISTANCE OF APPROXIMATELY 1,200 FEET

WHEREAS, the owner of all of the property abutting both sides of Salem Street has requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, October 1, 2002, at 6:00 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned portion of street has requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street is hereby permanently closed and abandoned as a public street:

SALEM STREET, FROM LAUREL STREET EASTWARD TO 30 FEET WEST OF THE CENTERLINE OF NORTH BENBOW ROAD, A DISTANCE OF APPROXIMATELY 1,200 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Claudette Burroughs-White

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution closing Obermeyer Street, from Bluford Street northward to Salem Street, a distance of approximately 269 feet. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

**159-02 RESOLUTION CLOSING OBERMEYER STREET FROM BLUFORD STREET NORTHWARD TO SALEM STREET, A DISTANCE OF APPROXIMATELY 269 FEET**

WHEREAS, the owner of all of the property abutting both sides of Salem Street has requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, October 1, 2002, at 6:00 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:**

1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned portion of street has requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street is hereby permanently closed and abandoned as a public street:

**OBERMEYER STREET, FROM BLUFORD STREET NORTHWARD TO SALEM STREET, A DISTANCE OF APPROXIMATELY 269 FEET**

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Claudette Burroughs-White

.....  
The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing Daniel Street, from Bluford Street northward to Salem Street, a distance of approximately 269 feet. Mayor Holliday asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

**160-02 RESOLUTION CLOSING DANIEL STREET, FROM BLUFORD STREET NORTHWARD TO SALEM STREET, A DISTANCE OF APPROXIMATELY 269 FEET**

WHEREAS, the owner of all of the property abutting both sides of Salem Street has requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, October 1, 2002, at 6:00 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned portion of street has requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street is hereby permanently closed and abandoned as a public street:

DANIEL STREET, FROM BLUFORD STREET NORTHWARD TO SALEM STREET, A DISTANCE OF APPROXIMATELY 269 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Claudette Burroughs-White

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution approving on basis of public necessity an 8-inch sanitary sewer main to be installed in New Garden Road from Jefferson Road/Will Doskey Drive to Brassfield Road. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### N-62 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

##### 8" SANITARY SEWER MAIN TO BE INSTALLED IN NEW GARDEN ROAD FROM JEFFERSON ROAD/WILL DOSKEY DRIVE TO BRASSFIELD ROAD

WHEREAS, due notice has been given that on the 1<sup>st</sup> day of October, 2002 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;



NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are

NEW GARDEN ROAD FROM JEFFERSON ROAD/WILL DOSKEY DRIVE TO BRASSFIELD ROAD

B. That the local improvements to be made on the street or streets set out above are as follows:

Sanitary Sewer Improvements. That a sanitary sewer main of 8-inch size be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals (including water laterals where none exist and water main has been installed) be laid for the proper connection of abutting property.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Donald R. Vaughan

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Moving to the Consent Agenda, Councilmember Phillips moved adoption of all ordinances, resolutions and the motion listed on the Consent Agenda. The motion was seconded by Councilmember Perkins; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

161-02 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF PEGGY WICKER SMITH LTD. PARTNERSHIP FOR THE HILLTOP ROAD WIDENING

WHEREAS, in connection with the Hilltop Road Widening project, the property owned by Peggy Wicker Smith Ltd. Partnership, Tax Map No. 11-684-A-867-30, 31, 32 & 33 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$16,478.00 and the owner has agreed to settle for the price of \$20,000.00, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$20,000.00 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 431-6002-49.6012 CBR 083.

(Signed) Thomas M. Phillips

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162-02 RESOLUTION AUTHORIZING INSTALLATION OF WATER LINE ALONG WALDENBROOK COURT UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of a 6-inch water line along Waldenbrook Court to serve residents of Waldenbrook Court in accordance with the Consolidated Water and Sewer Agreement between the County and the City;

WHEREAS, the project will be privately financed by the owners;

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of the 6-inch water line in accordance with said agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned 6-inch water line in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized; provided that there shall be no assessments levied.

(Signed) Thomas M. Phillips

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163-02 RESOLUTION AUTHORIZING INSTALLATION OF SEWER LINE THROUGH THE BENTONVILLE SUBDIVISION UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of an 8-inch sewer line through the Bentonville Subdivision to the southeastern property line of the subdivision near Laurel Oaks Drive to serve Bentonville Subdivision, in accordance with the Consolidated Water and Sewer Agreement between the County and the City;

WHEREAS, the project will be privately financed by the owner;

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of the sewer line in accordance with said agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned 8-inch sewer line in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized; provided that there shall be no assessments levied.

(Signed) Thomas M. Phillips

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164-02 RESOLUTION AUTHORIZING INSTALLATION OF WATER LINE ALONG SMITHFIELD DRIVE AND SABRE COURT AND SEWER LINE FROM AN EXISTING SEWER OUTFALL UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of an 6-inch water line from Smithfield Drive to the east, a 6-inch water line in Sabre Court to the north and an 8-inch sewer line in from the existing sewer outfall near the southern property line to the northernmost property line of the subdivision near Smithfield Drive to serve a single family residential subdivision owned by Forest Oaks Land Development Co., LLC, in accordance with the Consolidated Water and Sewer Agreement between the County and the City;

WHEREAS, the project will be privately financed by the owner;

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of the water and sewer lines in accordance with said agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned 6-inch water lines and 8-inch sewer line in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized; provided that there shall be no assessments levied.

(Signed) Thomas M. Phillips

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02-189 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR FY 2002-2003 PARKS AND RECREATION YOUTH FOOTBALL PROGRAM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5073-01.5237	Program Supplies	\$ 3,500
220-5073-01.5413	Consultant Services	<u>2,000</u>
Total		\$ 5,500

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5072-01.8620	Donations & Private Contributions	\$ <u>5,500</u>
Total		\$ 5,500

(Signed) Thomas M. Phillips

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02-190 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO COUNCIL MEETINGS

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by changing one regular meeting date of the City Council in 2002 as follows:

“The November 5 meeting shall be held on November 4 in order to observe Election Day.”

Section 2. That all laws and clauses of laws in conflict of the provision of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

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Motion to approve report of budget adjustments covering period August 1-31, 2002 was unanimously adopted. (A copy of the report is filed in Exhibit Drawer N, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

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Mayor Holliday introduced a resolution authorizing the application for Fiscal Year 2001 Section 5307 Capital Program Funding, execution of contracts with the North Carolina Department of Transportation and Federal Transit Administration and Provision of necessary assurances.

After Councilmember Phillips spoke in opposition to what he believed to be a waste of taxpayer dollars on the Multi-modal facility, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, and Vaughan. Noes: Phillips.

165-02 RESOLUTION AUTHORIZING THE APPLICATION FOR FISCAL YEAR 2001 SECTION 5307 CAPITAL PROGRAM FUNDING, EXECUTION OF CONTRACTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND FEDERAL TRANSIT ADMINISTRATION AND PROVISION OF NECESSARY ASSURANCES.

WHEREAS, the North Carolina Department of Transportation will apply for grants from the U.S. Department of Transportation as authorized by Chapter 53 of Title 49, U.S.C. (Section 5307 Capital Assistance of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA 21), as amended;

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation as the agency responsible for administering funds received through the TEA 21;

WHEREAS, the City of Greensboro will apply for a grant from the North Carolina Department of Transportation (NCDOT);

WHEREAS, the City of Greensboro hereby assures and certifies that it will comply with the Federal Statutes, regulations, executive orders, the Section 13© Labor Protection requirements, and all administrative requirements which relate to the application made and grant received from the Federal Transit Administration through the North Carolina Department of Transportation, as well as the provisions of Chapter 53 of Title 49, U.S.C. 5307.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City of Greensboro Manager or his designee, is authorized to file and execute FTA and NCDOT Grant Agreements, Annual or Biennial Application, Annual Budgets, and other such documents, as appropriate, on behalf of the City of Greensboro with the North Carolina Department of Transportation and the Federal Transit Administration, to aid in the financing of public transportation services and equipment as described therein.
2. That the City of Greensboro Manager or his designee, is authorized to file and execute with such FTA and NCDOT Grant Agreements, Annual or biennial Applications, Annual Budgets, and other such documents, as appropriate, and any assurance of any other documents required by the FTA

- and NCDOT effectuating the purposes of such FTA and NCDOT Grant Agreements, Annual and Biennial Applications, Annual Budgets, and other such documents, as appropriate.
3. That the City of Greensboro Manager or his designee, is authorized to furnish such additional information as the Federal Transit Administration and the North Carolina Department of Transportation require in connection with such FTA and NCDOT Grant Agreements, Annual and Biennial Applications, Annual Budgets, and other such documents, as appropriate.
  4. That the City of Greensboro Manager or his designee, is authorized to set forth and execute Disadvantaged Business Enterprise (BDE) policies and procedures in connection with all procurement needs associated with such FTA and NCDOT Grant Agreements, Annual or Biennial Applications, Annual Budgets, and other such documents, as appropriate.
  5. That the City of Greensboro Manager or his designee, is authorized to execute grant agreements on behalf of the City of Greensboro with the Federal Transit Administration and the North Carolina Department of Transportation to aid in the financing and effectuating of the purpose of such FTA and NCDOT Grant Agreements, Annual or Biennial Applications, Annual Budgets, and other such documents, as appropriate.

(Signed) Sandy Carmany

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After the Mayor introduced a resolution approving bid in the amount of \$1,632,800 and authorizing Contract No. 2002-03 with Myrick Construction for the construction of Carolyn S. Allen Park, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

166-02 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2002-03 WITH MYRICK CONSTRUCTION FOR THE CAROLYN S. ALLEN PARK

WHEREAS, after due notice, bids have been received for the construction of the Carolyn S. Allen Park;

WHEREAS, Myrick Construction, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$2,632,800.00 as general contractor for Contract No. 2002-03, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Myrick Construction is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 443-5004-01.6019.

(Signed) Thomas M. Phillips

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The Mayor introduced a resolution approving the artwork and the mural project for the Church Street Parking Deck – Level 2 Lobby.

Jennie Moore, spoke to the goal of this project to beautify the parking garage entrance to the cultural district and increase the visibility of the cultural organizations; she spoke to participation in this project by various arts and civic organizations as well as City of Greensboro departments.

After brief discussion, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

167-02 RESOLUTION APPROVING THE ARTWORK AND THE MURAL PROJECT FOR THE CHURCH STREET PARKING DECK- LEVEL 2 LOBBY

WHEREAS, a project to enhance and beautify the parking garage entrance to the festival block in the cultural district has been presented to the Greensboro Department of Transportation in order to give visitors to the City a feeling of energy and excitement about what they might experience while here;

WHEREAS, the concept of developing a mural is in the form of panels that are a parade of figures - children, adults, and teens in contemporary clothing and in costume for a particular festival and is attached and presented herewith this day;

WHEREAS, the figures represented include an Irish step dancer, Spanish dancer, a young man reading O'Henry, Dolly Madison wearing her gown from the Historical Museum as well as some others;

WHEREAS, the Green Hill Center has received a donation to cover the cost of the project and requests the City of Greensboro's Department of Transportation enter into a contractual agreement with them with the Green Hill Center being responsible for any maintenance or repair issues and indemnifying the City of Greensboro of any liability as it relates to theft, damage, or injury.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the artwork and the mural project for the Church Street Parking Deck – Level 2 Lobby is hereby approved.
2. That the Greensboro Department of Transportation is hereby authorized to enter into a contractual agreement with the Green Hill Center for this mural project.

(Signed) Thomas M. Phillips

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Mayor Holliday introduced an ordinance amending Chapter 29.5 of the Greensboro Code of Ordinances with respect to Emergency Water Conservation and Restriction Plan. He noted this issue had been discussed at a recent briefing.

Councilmember Phillips briefly spoke to the use of drip misters when drip irrigation was in place and to public perception with regard to the use of this process; he stated he believed the amount of water was minimal and that citizens should be permitted to use this system.

Allan Williams, Water Resources Department Director, stated volume was not an issue with regard to drip misters; however, he stated that because of public perception, he would request that any language change in the ordinance should be explicit by stating that drip misters could be used with drip irrigation that was in place.

Councilmember Phillips moved to amend the proposed ordinance to allow the use of drip misters which are incorporated with a drip irrigation system. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Councilmember Gatten moved adoption of the ordinance, as amended. The motion was seconded by Councilmember Perkins; the amended ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-191 AMENDING CHAPTER 29.5

AN ORDINANCE AMENDING CHAPTER 29.5 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO EMERGENCY WATER CONSERVATION AND RESTRICTION PLAN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Sec. 29.5-1. Declaration.

Whenever the water supply of the City of Greensboro's public water system is low and declining due to conditions which may adversely affect the continued availability of water for human consumption, sanitation, health and fire protection, it may become necessary to declare a water shortage and implement conservation requirements under the standards set forth below.

Sec. 29.5-2. Definitions.

For the purpose of this chapter, the following terms, words, and phrases and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

"City" is the City of Greensboro.

"Customer" is a person in whose name a water connection is made and to whom a bill is issued, whether such connection is inside or outside the corporate limits of the city.

**"Drip irrigation system" is any drip system that does not spray water into the air, but may include drip misters which are incorporated with a drip irrigation system.**

"Person" is any person, firm, partnership, association, corporation, company, limited liability company, professional association, or organization of any kind. The term "person" shall also include customers.

"Water" is raw or treated water from the city public water supply system.

Sec. 29.5-3. General.

A water shortage shall be declared to exist when the reserve supply available to the City of Greensboro will have reached the point where the citizens cannot be supplied with water to protect their health and safety without substantially curtailing the water demand. A water shortage shall also be declared to exist when production, transmission, and storage facilities are incapable of meeting all daily water demands without endangering the ability to protect public safety and health without substantially curtailing water demand.

Sec. 29.5-4 Notice to general public of water shortage.

- (a) In the event of a water shortage of any of the degrees of severity hereinafter set forth in the city water supply threatening the health and safety of the citizens, as determined by the director of water resources, the city manager of the City of Greensboro is authorized and empowered, after communication to the Mayor and City Council, to give notice to the general public of the existence of such state and the severity thereof. In order to protect the health and safety of the people supplied water by the City of Greensboro, the city manager may place in effect the restrictive provisions hereinafter authorized. Notice shall be given by public press announcement and by signing an executive order. The order shall become effective twenty-four (24) hours following the press announcement and the signing of the order.
- (b) Once a stage of water restriction is declared the water resources director shall review the number of day's supply of water available to the city system at least every seven (7) days. A declared stage shall remain in effect for a minimum of thirty (30) days; provided however, that if conditions as listed in Section 29.5-5(a) warrant, a more restrictive level may be enacted immediately. At the end of thirty (30) days, and following the periodic review, the water resources director shall notify

the city manager if the number of days' water supply exceeds the upper threshold of the effective stage by more than seven (7) days. In such event, the city manager shall declare the appropriate stage to be in effect.

- (c) In addition to the other powers contained in this chapter the city manager, when notified by the director of water resources that there is a serious and immediate threat to the city water system because of reduced water quality, treatment capacity, treated supply recovery time, or other imminent condition, may temporarily impose restrictions on automated, and manual sprinkling. Such restrictions may include, among others, limitations on methods of sprinkling the hours and days, and whether such sprinkling may occur at all. In such event the notice provisions contained in section 29.5-4(a) shall apply and the enforcement provisions of sections 29.5-7 through 29.5-11 shall be applicable. The city manager, or City Council, may terminate, by written notice, such restrictions when the threat has abated. Any violation of this sub-section by a residential user shall be treated as a Stage IIB violation for the purpose of imposing civil penalties.

Sec. 29.5-5. Compliance required in the event of a water shortage.

- (a) In the event the city manager issues the notice described in section 29.5-4, it shall be unlawful for any person to use or permit the use of water from the water system of the City of Greensboro for any of the purposes hereinafter set forth until such time as this Article is amended or repealed, or until the city manager has declared such provisions no longer in effect. In exercising this authority, considerations shall be given to the following criteria: water levels in the reservoirs, capabilities of the water production and distribution system, drawdown rates, outlook for precipitation, daily water use patterns, stream flows, seasonal and long-term weather patterns, and availability of water from other sources.
- (b) Hospitals, nursing homes and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution to the extent compliance will not endanger the health of the patients or residents of the institution.
- (c) Each hospital, nursing home or health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage.
- (d) The following shall apply at all times to the outdoor sprinkling of lawns, shrubbery, trees, flowers, gardens, and other outside irrigation systems.
  - (1) By June 1, 2000, all sprinkler systems equipped with a timer, shall be equipped with rain sensors as approved by the City Water Resources Department. Rain sensors shall be activated to prevent the system from operating after 1/4" of rain has fallen.
  - (2) It shall be unlawful to operate any sprinkler system during times of rain or to operate a sprinkler, at any time, so as to disperse water on an impervious surface.
  - (3) Any violation of sub-sections 29.5-5(d)(1) and (2) by a residential user shall be treated as a Stage IIB violation for the purpose of imposing civil penalties.

Sec 29.5-6 Restrictions applicable to various levels of Lake Brandt and Lake Townsend.

The severity of the water shortages shall be determined primarily by the levels of Lakes Brandt and Townsend in light of the criteria set out in subsection 29.5-5(a). The restrictive measures in effect at each stage are as follows:



- (a) Stage I Water Restriction Alert. In the event water levels of Lakes Brandt and Townsend do not conform to seasonal expectations as determined by the water resources director using the criteria set out in subsection 29.5-5(a), or daily water demand is approaching ninety five percent (95%) of system capacity the director shall notify the city manager in writing. Upon such notification the city manager shall declare a Stage I Water Restriction Alert. After complying with those notice provisions contained in Sec. 29.5-4, the following voluntary water restrictions shall be requested.
- (1) Voluntary, commercial, manufacturing, institutional and residential conservation measures will be strongly encouraged and recommended including the following:
    - a. Inspect and repair all faulty and defective parts of faucets and toilets.
    - b. Use shower for bathing rather than bathtub and limit shower to no more than five (5) minutes.
    - c. Do not leave faucets running while shaving, rinsing dishes, or brushing teeth.
    - d. Limit use of clothes washers and dishwashers and when used, operate fully loaded.
    - e. Limit lawn watering to that necessary for plant survival
    - f. Water shrubbery the minimum required, reusing household water when possible.
    - g. Limit vehicle washing.
    - h. Do not wash down outside areas such as sidewalks, patios, driveways, etc.
    - i. Install water flow restrictions in showerheads and other water saving devices.
    - j. Use disposable and biodegradable dishes where possible.
    - k. Install water saving devices in toilets such as early closing flapper valves.
    - l. Limit hours of water-cooled air conditioners.
    - m. Do not fill swimming or wading pools.
  - (2) Water supply line pressure should be reduced where feasible to reduce water consumption if it will not affect operation of fixtures, equipment, public safety, or health, devices.
  - (3) Conservation in public buildings, institutions, dormitories, and similar facilities is encouraged by reducing pressure at plumbing fixtures, and by installation of restricting devices.
  - (4) Water conservation should be followed during all phases of construction-related activities. Where appropriate, water needed should be obtained from supplemental sources.
- (b) Stage IIA Water Shortage Level I Warning. In the event the previous voluntary restrictions are not sufficient to eliminate reductions in water supply reserves and the water resources director, using those criteria set out in Section 29.5-5(a), determines that there are no more than one hundred fifty (150) days' supply of water available to the city water system or it is necessary to access supplementary water from the Haw River Transfer Station during this or any subsequent Stage of water restrictions, the water resources director shall so notify the city manager in writing. Upon such notification, the city manager shall declare a Stage IIA Water Shortage Level I Warning to exist. After complying with those notice provisions contained in Sec. 29.5-4(a), the following mandatory water restrictions shall be imposed. It shall be unlawful:
- (1) To water lawns, grass, shrubbery, trees, flower and vegetable gardens except by hand held-hose, container, or drip irrigation system; provided, however, that such plantings may be watered by any customer by manual or automated sprinkling one (1) day a week. Customers are allowed to do such sprinkling on the day of their city garbage pickup. Customers who do not have city garbage service, or who have multiple pickups during the week, shall be permitted to sprinkle on Wednesdays only. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water, by any method at any time, for irrigation of their commercial stock in trade.

(2) To exceed the following water usage mandate: Public and private customers owning golf courses, and institutional customers owning athletic and playing fields which are separately metered, may water the courses and fields by any method during the hours of 10:00 p.m. till 5:00 a.m. each day and shall reduce water usage by forty (40) percent of their average usage during the corresponding billing period for the most recent twelve month period, in which no stage of this chapter was in effect. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water resources department.

- a. It is the primary responsibility of each customer to meet its mandated water use reduction in whatever manner possible.
- b. Each such customer shall provide access to city personnel for the purposes of meter reading and monitoring compliance with this chapter.
- c. If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the water resources director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.
- d. Any customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.
  1. "Excess-use water rates" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five (5) times the normal rate.
  2. Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.
  3. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.

Other restrictions contained in Stage I shall remain voluntary.

- (c) Stage IIB Water Shortage Level II Warning. In the event the previous voluntary and mandatory restrictions are not sufficient to eliminate reductions in water supply reserves and the water resources director, using those criteria set out in Section 29.5-5(a), determines that there are no more than one hundred twenty-five (125) days' supply of water available to the city water system, the water resources director shall so notify the city manager in writing. Upon such notification, the city manager shall declare a Stage IIB Water Shortage Level II Warning to exist. After complying with those notice provisions contained in Sec. 29.5-4, the following mandatory water restrictions shall be imposed. It shall be unlawful to:

- (1) Water or sprinkle any lawn, vegetable garden, grass, shrubbery, trees, or flowers except by a hand-held hose, container, or drip irrigation system. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade.  
Provided further, that public and private customers owning golf courses, and institutional customers owning athletic and playing fields which are separately metered, may water the courses and fields by any method pursuant to the same terms and conditions set out in

Sec. 29.5-6(4)(b)(2) except that the mandatory water use reduction shall be sixty (60) percent.

- (2) Operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.
- (3) Wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment; except that parts of vehicles may be washed where required by federal, state, or local laws or for safety reasons. Provided, however, that any commercial or business operated car wash facility shall be permitted to use water for such purposes.
- (4) Wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks, or patios, or to use water for similar purposes; provided, however, hand washing of exterior surfaces of a building for the purpose of preparing them for painting shall be permitted. Provided further, licensed commercial pressure washers shall be permitted to operate.
- (5) Operate or introduce water into any ornamental fountain, pool, or pond or other structure making similar use of water.
- (6) Serve drinking water in restaurants, cafeterias, or other food establishments, except as requested.
- (7) Use water from any public or private fire hydrants for any purpose other than fire suppression or other public emergency or water resources department need.
- (8) Use water for dust control or compaction.
- (9) Use water for any unnecessary purpose or intentionally wastewater.

The owner or occupant of any land or building who receives water from the city and also uses water from a well or other supply shall post a sign thereon, in a conspicuous place, furnished at no cost by the city water resources department giving notice of the use of well or other sources of supply.

All industrial, manufacturing, and commercial enterprises, and all customers with swimming and wading pools and tennis courts, shall reduce consumption to any degree feasible with a goal of a reduction of at least 25% of their usual usage.

- (d) Stage III Water Shortage Danger. In the event the previous (voluntary and mandatory) restrictions are not sufficient to eliminate reductions in water supply reserves and the water resources director, using those criteria set out in Section 29.5-5(a), determines that there are not more than one hundred (100) days' supply of water available to the city water system, the water resources director shall so notify the city manager in writing. Upon such notification, the city manager shall declare a Stage III Water Shortage Danger to exist. After complying with those notice provisions contained in Sec. 29.5-4, the following mandatory water restrictions, in addition to those imposed in Stages IIA and IIB, shall be imposed. It shall be unlawful to:

(1) **Water lawns, grass, shrubbery, trees, flowers and vegetable gardens except by container, drip irrigation system or soaker hose; provided, however, that such plantings may be watered by hand-held hose equipped with a shut off nozzle two (2) days per week on Wednesdays and Saturdays; provided further that water from saturated planting beds shall not run-off onto impervious surfaces such as driveways, sidewalks and streets. Soaker hoses shall not include any device that sprays water into the air. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade.**

(2) **Water any vegetable garden except by hand held hose, container, or drip irrigation system.**

(2) Fill or refill any single-family swimming or wading pool or water any tennis court if a residential customer.

(3) Make any nonessential use of water for commercial or public use.

- (4)** Exceed the following water usage mandate: Commercial and multi-family swimming pool customers shall reduce water usage by twenty-five (25) percent and public and private customers owning golf courses, and institutional customers owning athletic and playing fields which are separately metered, may water the courses and fields by any method and shall reduce water usage by eighty (80) percent, of their average usage during the corresponding billing period for the most recent twelve month period, in which no stage of this chapter was in effect. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water resources department. Such customers include governmental, commercial, industrial, institutional, public, social, multi-family, and all other such users.
- a. It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.
  - b. Each customer shall provide access to city personnel for the purposes of meter reading and monitoring of compliance with this chapter.
  - c. If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the water resources director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.
  - d. Any customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.
    1. "Excess-use water rates" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five (5) times the normal rate.
    2. Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.
    3. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.

All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of at least fifty (50) percent of their average usage as compared with their usage during the corresponding billing period for the most recent twelve month period in which no stage of this chapter was in effect; provided, this goal shall not apply to those customers who wash parts of vehicles where such washing is required by federal, state, or local laws, or for health or safety reasons.

- (e) Stage IV Water Shortage Emergency. In the event previous restrictions are not sufficient to eliminate reductions in water supply reserves and the water resources director, using those criteria set out in Sec. 29.5-5(a), determines that there are no more than seventy-five 75 days' supply of water available to the city water system, the water resources director shall so notify the city manager in writing. Upon such notification, the city manager shall declare a Stage IV Water Shortage Emergency to exist. Upon such declaration, the city shall be deemed to be in a state of emergency with respect to its water supply and residential customers shall reduce consumption to any degree feasible with a goal of a reduction of at least twenty-five (25) percent of their average

usage. After complying with those notice provisions contained in Sec. 29.5-4, in addition to the restrictions heretofore imposed in Stages IIB and III, the following mandatory water restrictions shall be imposed. It shall be unlawful to:

- (1) Use water outside a structure for any use other than emergencies involving fire or as needed by the water resources department to maintain the system, except that flowers, plants, and shrubs may be watered from a watering can or other container not exceeding three (3) gallons in capacity with used wash water from inside a structure.
- (2) Operate an evaporative air conditioning unit which recycles water except during the operating hours of the business.
- (3) Wash any vehicle for any purpose, whether inside or outside a structure, except that commercial and business operated car washes may do so as provided in subsection (4) hereof; and provided that parts of vehicles may be washed where required by federal, state, or local laws for health reasons.
- (4) Exceed the following water usage mandate: All non-residential customers shall reduce their water usage by twenty-five (25) percent except commercial and business operated car washes and non-single family residential customers who operate swimming or wading pools or tennis courts shall reduce such usage by fifty (50) percent, of their average usage during the corresponding billing period for the most recent twelve month period, , in which no stage of this chapter was in effect. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water resources department. Non-residential customers include governmental, commercial, industrial, institutional, public, social, and all other such users.
  - a. It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.
  - b. Each customer shall provide access to city personnel for the purposes of meter reading and monitoring of compliance with this chapter.
  - c. If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the water resources director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.
  - d. Any such customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.
    1. "Excess-use water rates" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five (5) times the normal rate; except that commercial and business operated car washes and non-single-family swimming and wading pool and tennis court users shall be computed at ten (10) times the normal rate for excess use
    2. Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.

3. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.
- (5) Make any water service connections except as herein provided. Connections to the city water system shall be allowed, but not required, in the following cases if all other requirements of law pertaining to such connections have been met:
    - a. Lots, upon which construction has been authorized pursuant to a valid building permit issued prior to the effective date of the Stage IV Water Shortage Emergency; provided, that this exemption shall apply for only so long as such building permit remains in effect.
    - b. Public and other schools satisfying the compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection, hospitals, emergency medical services, and facilities of public service companies regulated as public utilities under the laws of the State of North Carolina.
  - (f) Stage V Water Shortage Crisis. In the event previous voluntary and mandatory restrictions are not sufficient to eliminate reductions in water supply reserves and the water resources director, using those criteria set out in Sec. 29.5-5(a), determines that there are no more than fifty (50) days' supply of water available to the city water system, the water resources director shall so notify the city manager in writing. Upon such notification the city manager shall declare a Stage V Water Shortage Crisis to exist and residential customers shall continue to reduce consumption to any degree feasible with a goal of a reduction of at least forty (40) percent of their average usage. After complying with those notice provisions contained in Section 29.5-4, in addition to the restrictions heretofore imposed under Stages IIB, III and IV, the following mandatory water restrictions shall be imposed. It shall be unlawful to:
    - (1) Serve food or beverages in restaurants, cafeterias and other commercial food establishments to customers using anything other than disposable plates, saucers, cups, eating utensils, napkins and tablecloths.
    - (2) Wash any vehicle for any purpose, whether inside or outside a structure, except those parts of vehicles may be washed where required by federal, state, or local laws, or for health or safety.
    - (3) Exceed the following water usage mandate. All non-residential customers shall reduce their water usage by fifty (50) percent of their average usage during the corresponding billing period for the most recent twelve-month period, , in which no stage of this chapter was in effect; except that water may not be used to fill or top off any swimming or wading pool. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water resources department.
      - a. It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours or days if necessary.
      - b. Each customer shall provide access to city personnel for the purpose of reading and monitoring of compliance with this chapter.
      - c. If the mandated reduction in water usage cannot be obtained without threatening

health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the water resources director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the superior court as provided by law.

- d. Any water customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.
  1. "Excess-use water rates" will be collected based on the amount by which a customer's monthly use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at ten (10) times the normal rate.
  2. Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.
  3. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.
- (4) Make any new service connections to the city water system except for public and other schools satisfying the compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection, hospitals and emergency medical services, and facilities of public service companies regulated as public utilities under the laws of the State of North Carolina.

Sec. 29.5-7 Compliance.

Compliance with the provisions with this chapter shall be enforced by personnel of the water resources department, the Greensboro Police Department, and other such personnel as designated by the city manager. Failure to comply with any of the regulations of this chapter shall be unlawful and a violation of the chapter and all remedies authorized by law for noncompliance with the chapter, including the issuance of a civil penalty citation or action for injunctive relief, may be exercised to enforce its provisions. It shall be unlawful to fail to act in accordance therewith or to use water in any manner or attempt to evade or avoid such water restrictions.

Sec. 29.5-8 Enforcement and civil penalty.

- (a) Residential users. Any residential user who shall violate any provision of this chapter shall be subject to civil penalties. Civil penalties for a violation of Stage IIA, IIB and III mandatory restrictions shall be as follows: a warning for the first offense; a civil penalty in the amount of one hundred dollars (\$100.00) for the second offense; a civil penalty in the amount of two hundred dollars (\$200.00) for the third and successive offenses. In Stages IV or V, there shall be no warnings given for violations by residential users of the mandatory restrictions of these Stages and the penalties shall be one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense and successive offenses.
- (b) Non-residential users. Any non-residential customer, who violates any provision of this chapter, shall be subject to a civil penalty except as provided in subsection (d) below. Civil penalties for a violation of any mandatory restriction of any Stage of this chapter shall be as follows: a civil penalty of two hundred dollars (\$200.00) for the first violation; a civil penalty of five hundred dollars (\$500.00) for the second violation; and a civil penalty of one thousand dollars (\$1,000.00) for the third and successive offenses.
- (c) Cumulation of violations. Violations shall be accumulated by all customers so long as this

chapter, in any of its stages, is continuously in effect and until no stage of this chapter has been in effect for a period of one (1) calendar year. Violations of any of the mandatory restrictions of any stage shall accumulate with violations of other stages. Should a customer move, or cease and renew service, during the period described herein, the customer's violations shall continue to accumulate as if such move or cessation had not occurred.

- (d) Civil penalties for excessive water use. Excessive use water rates imposed upon users by Stages III, IV and V shall constitute the sole monetary penalty for such excessive use. Other violations by such users shall be subject to the civil penalties set out herein. Other enforcement procedures shall apply to such users for excessive use and other violations.

#### Sec. 29.5-9 Criminal fines.

Upon a fourth violation of this chapter a criminal warrant shall be issued to the offending person. Any violations of the provisions of this chapter shall constitute a Class 3 misdemeanor punishable upon conviction *by a term of imprisonment up to twenty (20) days* and by a fine not exceeding a maximum of five hundred dollars (\$500.00) as provided by General Statute Section 14-4 and in addition thereto such violation may be enjoined and restrained as provided in General Statute Section 160A-175. The issuing of a criminal warrant shall not prohibit the imposition of further civil penalties.

#### Sec. 29.5-10 Discontinuance of service.

The water resources director shall have the authority to discontinue, or restrict, water service to any person or structure in the event of a violation of the provisions of this chapter during a Stage IIA, Stage IIB, Stage III, Stage IV or Stage V water shortage period or for uncorrected water leakage. Prior to such termination, or restriction, of water supply, the director shall give at least two (2) working days written notice of intent to terminate or restrict. Within the said two days, the person, upon petition to the city manager, or his designee, may be heard as to why such termination should not be enforced. No notice shall be required to discontinue, or turn off, outside water service which is provided solely for lawn and shrubbery sprinkler systems, swimming pools, or other non-essential uses. When a water service has been discontinued, or turned off, it shall be unlawful to reactivate such service without the permission of the director of water resources during a Stage IIA, Stage IIB, Stage III, Stage IV or Stage V water shortage period.

#### Sec. 29.5-11 Continuing and separate violations.

Each day's continuing violation of this chapter shall be a separate and distinct criminal and civil offense. Each violation of the chapter shall be a separate offense even if occurring on the same day.

#### Sec. 29.5-12 Severance provision.

If any section, subdivision, clause, or provision of this chapter shall be judged invalid, such adjudication shall apply only to such section, subdivision, clause, or provision so adjudged, and the remainder of this chapter shall be declared valid and effective.

#### Sec. 29.5-13 Application of chapter.

The provisions of this chapter shall apply to all such persons using public water both in and outside the city, regardless of whether any such person using water shall have a contract for water service with the city.

#### Sec. 29.5-14 Termination of declared emergency.

Termination of any phase of the emergency provisions of this chapter shall be determined by the city manager when he finds that the water supply of the city water system is no longer so low as to constitute a water emergency.



Upon termination of any emergency declared under this chapter, all fines or penalties incurred by any person or customer shall remain in effect until paid. Upon such termination discontinued users may have their service restored upon payment of the regular cut-on fees except for those users cut off without notice.

Sec. 29.5-15 Repeal of prior ordinances.

All Ordinances and clauses of ordinances in conflict herewith are stayed while any stage of this chapter is in effect. Such conflicting ordinances and clauses shall become effective upon termination of such stages.

(Signed) Florence F. Gatten

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After the Mayor introduced a resolution approving bid in the amount of \$560,000 and authorizing Contract No. 2002-46 with N. C. Monroe Construction, Inc. for the Greensboro Coliseum Complex-Pavilion Foundation, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

168-02 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2002-46 WITH N.C. MONROE CONSTRUCTION INC. FOR THE GREENSBORO COLISEUM COMPLEX-PAVILION FOUNDATION

WHEREAS, after due notice, bids have been received for the foundation for the Coliseum Complex Pavilion;

WHEREAS, N.C. Monroe Construction Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$560,000.00 as general contractor for Contract No. 2002-46, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by N.C. Monroe Construction Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 435-7510-04.6013 CBR 001.

(Signed) Yvonne J. Johnson

(A tabulation of bids for the Coliseum Complex-Pavilion Foundation is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Mayor Holliday introduced a resolution approving bid and authorizing Contract No. 2002-41 for the Haw River Water Improvements-Pump Station Improvements.

After a brief explanation by Mr. Williams, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

169-02 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2002-41 WITH BEERS SKANSKA CONSTRUCTION COMPANY FOR PUMP STATION IMPROVEMENTS FOR THE HAW RIVER WATER IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for the pump station improvements for the Haw River water improvements project;

WHEREAS, Beers Skanska Construction Company, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$585,077.00 as general contractor for Contract No. 2002-41, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Beers Skanska Construction Company is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 503-7012-01.6019 (003).

(Signed) Claudette Burroughs-White

(A tabulation of bids for the pump station improvements is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Ann Springfield, residing at 1005 North Eugene Street; Robert A Guertin, residing at 205 North Park Drive; Russ Clegg, residing at 706 Magnolia Street; and David Hoggard, residing at 108 Cypress Street; spoke in opposition to the plan of Action Greensboro for a downtown baseball stadium and requested that the Council not close Lindsay Street for this project. They offered personal opinions with regard to the proposed stadium, the minor league baseball team currently located in Greensboro, past revitalization efforts for the downtown area, and the need to renovate War Memorial Stadium to avoid deterioration. Mr. Hoggard also spoke to efforts of the Aycock Neighborhood to prioritize projects and move forward with implementation; he offered personal comments with regard to a recent newspaper article about the baseball stadium and its opponents.

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Mike Stout, residing at 900 North Eugene Street, spoke to the removal of signs in support of the renovating of War Memorial Stadium from city right-of-way while other signs were not removed. Noting that the City did remove these types of signs from private property, Mr. Martin briefly explained that these types of signs were not permitted in the City right-of-way and medians; he noted that staff removed these signs when time permitted during the conduct of their regular duties. Mr. Stout requested that the City treat everyone equitably in the removal of illegal signs.

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William Shand, 1115 West McGee Street, offered his thoughts about the community's misunderstanding of the position of environmentalists, the state of the environment in Greensboro, etc.

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Reporting on plans to create a committee to examine War Memorial Stadium, Mayor Holliday suggested that the membership of the committee be comprised of representatives from the Aycock Neighborhood, City of Greensboro Staff, Preservation Greensboro, Guilford College, North Carolina A&T State University, and City Council; he added that Councilmember Johnson had agreed to serve on the committee.

Commenting that the minor league baseball team had stated it wasn't interested in playing at War Memorial Stadium, Councilmember Phillips suggested that the creation of a committee was premature and assumed a new baseball stadium would be built downtown. The Mayor advised that this was a preliminary report and that the War Memorial Stadium needed attention regardless of the outcome with regard to a new baseball stadium.

Mayor Holliday also provided an update with regard to the Committee for Cultural Arts Center lease policies and noted a meeting was planned in the near future.

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After Councilmember Jessup requested specific information about the proposed downtown baseball stadium, the Assistant City Manager stated that City staff would provide information with regard to the transportation impact of closing Lindsay Street and the projected use of War Memorial Stadium if a new baseball stadium were built. After discussion regarding the appropriate entity to provide information with regard to the economic development element of the proposed stadium, Councilmember Jessup requested Assistant City Manager Johnson to contact the Greensboro Area Chamber of Commerce to obtain information about jobs, revenues, and other benefits that a new downtown baseball stadium would provide to Greensboro; he requested that this information be provided prior to the November 4 Council meeting.

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Councilmember Burroughs-White added the name of Cynthia Hatfield to the boards and commissions data bank for consideration for future service for the Historic Preservation Commission.

Councilmember Burroughs-White requested the Assistant City Manager to investigate reports of strange odors and a possible sewage spill in the Hairston School area.

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Councilmember Carmany provided a report detailing the recent visit she and Councilmember Vaughan made the Republic of Moldova in the District of Buiucani, Greensboro's Sister City. She also presented the Mayor and Council with mementos of the trip from municipal officials.

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Councilmember Gatten invited citizens to attend the District 4 Council meeting scheduled for 6:00 p.m. on Thursday, October 24, 2002 at the Leonard Recreation Center to discuss issues of interest to the district's residents.

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With regard to the scenic corridor ordinance voted on earlier in the meeting, Councilmember Perkins requested staff to look at current zonings on the proposed scenic corridor to attempt to determine where billboards would be eligible and provide information with regard to the approximate count and density that would be allowed; he asked that this information be provided prior to the November 4 Council meeting.

Councilmember Phillips expressed disappointment with earlier Council action with regard to the scenic corridor for the urban loop and stated he believed it was time for the public to take action. Speaking to an ongoing petition process currently underway in Greensboro, Councilmember Phillips suggested this might be a useful tool for citizens to use to force Council to vote on an ordinance to permit billboards only in areas zoned Heavy Industrial zoning or force a referendum in October 2003.

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In response to Councilmember Phillips' inquiry with respect to the status of the Mayor's letter to North Carolina A&T State University with regard to their not providing committed funds for the East Market Streetscape, the Mayor advised the letter would be sent this week.

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Council discussed various meetings, events and recognitions of interest.

Councilmember Carmany moved that the City Council adjourn to Closed Session for the purpose of discussing a Legal Claim with regard to a pending lawsuit between the estate of Marcus Williamson vs. City of Greensboro. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 11:15 P.M.

KEITH A. HOLLIDAY  
MAYOR

JUANITA F. COOPER  
CITY CLERK

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